

**STATE OF IOWA**  
**BOARD OF EDUCATIONAL EXAMINERS**  
**Grimes State Office Building – 400 East 14<sup>th</sup> Street**  
**Des Moines, Iowa 50319-0147**

## Minutes

**November 2, 2007**

The Board of Educational Examiners held its monthly meeting on November 2, 2007. Acting Board Chair, Thomas Paulsen, called the meeting to order. Members attending were John Aboud, Ying Ying Chen, Brad Dirks, Tammy Duehr, Jeffrey Henderson, Merle Johnson, Thomas Paulsen, Greg Robinson, Bev Smith Also in attendance was Dr. George Maurer, Executive Director of the Board. Judy Jeffrey and Jean Seeland were unable to attend the meeting.

Ying Ying Chen moved, with a second by Tammy Duehr, that the Board go into closed session for the purposes of discussing whether to initiate licensee disciplinary proceedings and discussing the decision to be rendered in a contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f). Roll call vote: Aboud – yes; Chen – yes; Duehr – yes; Johnson – yes; Henderson – yes; Paulsen – yes; Robinson – yes; Smith – yes; and Dirks – yes. **MOTION CARRIED UNANIMOUSLY.**

Tammy Duehr moved, with a second by Ying Ying Chen, that in **case number 06-38**, In the Matter of Ian Scott, the Board accept the Respondent's waiver of hearing and voluntary surrender and that the Board issue an order permanently revoking the Respondent's license with no possibility of reinstatement. Roll call vote: Aboud – yes; Chen – yes; Duehr – yes; Johnson – yes; Henderson – yes; Paulsen – yes; Robinson – yes; Smith – yes; and Dirks – yes. **MOTION CARRIED UNANIMOUSLY.**

1  
2 Ying Ying Chen moved, with a second by Tammy Duehr, that in **case number 07-**  
3 **25**, the Board find that the allegations primarily involve employment or personnel  
4 issues, which are generally better resolved through direct interaction between the  
5 licensee and the employer or through personnel or grievance procedures. The  
6 investigation in this matter did not establish violations which appear to rise to the  
7 level or unethical, discriminatory or harassing conduct necessary to support  
8 disciplinary action by the Board. Taking into account these circumstances, and the  
9 Board's mission to act upon those complaints which involve a threat to the health  
10 and safety of students and the public, the board will not pursue formal disciplinary  
11 action in this matter. Roll call vote: Aboud – yes; Chen – yes; Duehr – yes;  
12 Johnson – yes; Henderson – yes; Paulsen – yes; Robinson – yes; Smith – yes; and  
13 Dirks – yes. **MOTION CARRIED UNANIMOUSLY.**

14  
15 Bev Smith moved, with a second by Ying Ying Chen, that in **case number 07-26**,  
16 the Board find that the allegations primarily involve employment or personnel  
17 issues, which are generally better resolved through direct interaction between the  
18 licensee and the employer or through personnel or grievance procedures. The  
19 investigation in this matter did not establish violations which appear to rise to the  
20 level or unethical, discriminatory or harassing conduct necessary to support  
21 disciplinary action by the Board. Taking into account these circumstances and the  
22 board's mission to act upon those complaints which involve a threat to the health  
23 and safety of students and the public, the board will not pursue formal disciplinary  
24 action in this matter. Roll call vote: Aboud – yes; Chen – yes; Duehr – yes;  
25 Johnson – yes; Henderson – yes; Paulsen – yes; Robinson – yes; Smith – yes; and  
26 Dirks – yes. **MOTION CARRIED UNANIMOUSLY.**

27  
28 Tammy Duehr moved, with a second by Bev Smith, that in **case number 07-27**,  
29 the Board find that, although one or more of the allegations in the complaint may  
30 be substantiated by the witnesses interviewed in the course of the investigation  
31 [and/or] the documents gathered in the course of the investigation, and the  
32 allegations may constitute a technical violation of the board's statute or  
33 administrative rules; the evidence before the board indicates that the alleged

1 violation was an isolated incident. Taking into account these circumstances, and  
2 the Board's mission to act upon those complaints which involve a threat to the  
3 health and safety of students and the public, the Board will not pursue formal  
4 disciplinary action in this matter. Roll call vote: Aboud – yes; Chen – yes; Duehr –  
5 yes; Johnson – yes; Henderson – yes; Paulsen – yes; Robinson – yes; Smith – yes;  
6 and Dirks – yes. **MOTION CARRIED UNANIMOUSLY.**

7  
8 Ying Ying moved, with a second by Tammy Duehr, that in **case number 07-28**,  
9 the Board find that, although one or more of the allegations in the complaint may  
10 be substantiated by the witnesses interviewed in the course of the investigation  
11 [and/or] the documents gathered in the course of the investigation, and the  
12 allegations may constitute a technical violation of the board's statute or  
13 administrative rules; the evidence before the board indicates that the alleged  
14 violation was an isolated incident. Taking into account these circumstances, and  
15 the Board's mission to act upon those complaints which involve a threat to the  
16 health and safety of students and the public, the Board will not pursue formal  
17 disciplinary action in this matter. Roll call vote: Aboud – yes; Chen – yes; Duehr –  
18 yes; Johnson – yes; Henderson – yes; Paulsen – yes; Robinson – yes; Smith – yes;  
19 and Dirks – yes. **MOTION CARRIED UNANIMOUSLY.**

20  
21 Bev Smith moved, with a second by Ying Ying Chen, that in **case number 07-29**,  
22 the Board find that, although one or more of the allegations in the complaint may  
23 be substantiated by the witnesses interviewed in the course of the investigation  
24 [and/or] the documents gathered in the course of the investigation, and the  
25 allegations may constitute a technical violation of the board's statute or  
26 administrative rules; the evidence before the board indicates that the alleged  
27 violation was an isolated incident. Taking into account these circumstances, and  
28 the Board's mission to act upon those complaints which involve a threat to the  
29 health and safety of students and the public, the Board will not pursue formal  
30 disciplinary action in this matter. Roll call vote: Aboud – yes; Chen – yes; Duehr –  
31 yes; Johnson – yes; Henderson – yes; Paulsen – yes; Robinson – yes; Smith – yes;  
32 and Dirks – yes. **MOTION CARRIED UNANIMOUSLY.**

1 Tammy Duher moved, with a second by Bev Smith, that in **case number 07-30**, In  
2 the Matter of Amir Hadzic, the Board find probable cause to establish a violation of  
3 the following provisions of the Code of Professional Conduct and Ethics, 282 IAC  
4 25.3(6) m, and 25.3(8) a, and order this case set for hearing. Henderson recused  
5 himself from the case. Roll call vote: Aboud – yes; Chen – yes; Duehr – yes;  
6 Johnson – yes; Paulsen – yes; Robinson – yes; Smith – yes; and Dirks – yes.

7 **MOTION CARRIED.**

8  
9 Ying Ying Chen moved, with a second by Tammy Duehr, that in **case number 07-**  
10 **31**, the Board find that the evidence gathered in the investigation, including  
11 witness statements and the documentary evidence, does not corroborate the  
12 allegations in the complaint, and that the Board therefore lacks probable cause to  
13 proceed with this matter. Roll call vote: Aboud – yes; Chen – yes; Duehr – yes;  
14 Johnson – yes; Henderson – yes; Paulsen – yes; Robinson – yes; Smith – yes; and  
15 Dirks – yes. **MOTION CARRIED UNANIMOUSLY.**

16  
17 Bev Smith moved, with a second by Ying Ying Chen, that in **case number 07-32**,  
18 the Board find that the evidence gathered in the investigation, including witness  
19 statements and the documentary evidence, does not corroborate the allegations in  
20 the complaint, and that the Board therefore lacks probable cause to proceed with  
21 this matter. Roll call vote: Aboud – yes; Chen – yes; Duehr – yes; Johnson – yes;  
22 Henderson – yes; Paulsen – yes; Robinson – yes; Smith – yes; and Dirks – yes.

23 **MOTION CARRIED UNANIMOUSLY.**

24  
25 Tammy Duehr moved, with a second by Bev Smith, that in **case number 07-34**,  
26 the Board find that the evidence gathered in the investigation, including witness  
27 statements and the documentary evidence, does not corroborate the allegations in  
28 the complaint, and that the Board therefore lacks probable cause to proceed with  
29 this matter. Roll call vote: Aboud – no; Chen – yes; Duehr – yes; Johnson – yes;  
30 Henderson – yes; Paulsen – yes; Robinson – yes; Smith – yes; and Dirks – no.

31 **MOTION CARRIED.**

32  
33 Bev Smith moved, with a second by Tammy Duehr, that in **case number 07-24**,

1 the Board find that, although one or more of the allegations in the complaint may  
2 be substantiated by the witnesses interviewed in the course of the investigation  
3 [and/or] the documents gathered in the course of the investigation, and the  
4 allegations may constitute a technical violation of the board's statute or  
5 administrative rules; the evidence before the board indicates that adequate steps  
6 have been taken to remedy the violation and to ensure that incidents of a similar  
7 nature do not occur in the future. Taking into account these circumstances, and  
8 the Board's mission to act upon those complaints which involve a threat to the  
9 health and safety of students and the public, the Board will not pursue formal  
10 disciplinary action in this matter. Roll call vote: Aboud – no; Chen – no; Duehr –  
11 yes; Johnson – yes; Henderson – yes; Paulsen – yes; Robinson – yes; Smith – yes;  
12 and Dirks – no. **MOTION CARRIED.**

13  
14 Ying Ying Chen moved, with a second by Bev Smith, that in **case number 07-14**,  
15 the Board extend the 180-day deadline for issuance of the final decision, due to the  
16 need for additional time to conduct a hearing, prepare a proposed decision, and  
17 review the proposed decision by the Board. Roll call vote: Aboud – yes; Chen – yes;  
18 Duehr – yes; Johnson – yes; Henderson – yes; Paulsen – yes; Robinson – yes; Smith  
19 – yes; and Dirks – yes. **MOTION CARRIED UNANIMOUSLY.**

20  
21 Tammy Duehr moved, with a second by Bev Smith, that in **case number 07-16**,  
22 the Board extend the 180-day deadline for issuance of the final decision, due to the  
23 need for additional time to conduct a hearing, prepare a proposed decision, and  
24 review the proposed decision by the Board. Roll call vote: Aboud – yes; Chen – yes;  
25 Duehr – yes; Johnson – yes; Henderson – yes; Paulsen – yes; Robinson – yes; Smith  
26 – yes; and Dirks – yes. **MOTION CARRIED UNANIMOUSLY.**

27  
28 Merle Johnson moved, with a second by Greg Robinson, to approve the  
29 October 5, 2007, minutes, as distributed. **MOTION CARRIED UNANIMOUSLY.**

30  
31 Board Reports:

32 Greg Robinson reported that he presented ethics and licensure issues with two  
33 local districts that were in evaluator training for principals; also in his role as chair

1 for the superintendents' group for AEA 11 he presented the licensure handbook  
2 which was very well received.

3  
4 Thomas Paulsen reported that he renewed his license via the internet and shared  
5 with some of his colleagues the ease of renewing via the internet. He complimented  
6 the BOEE staff on the efficiency of the procedure.

7  
8 Public Comment:

9 There were no public comments.

10  
11 Executive Director's Report:

12 Executive Director, Dr. George Maurer, presented the executive director's report.

13  
14 Dr. Maurer also reported that in going through the updating of the BEDS  
15 documents, information has been generated to us that a number of teachers do not  
16 have current licenses. A decision was made if these individuals now renew, we will  
17 issue a license, but a professional practices complaint will be filed against them.  
18 The board will then determine what course of action will be taken against the  
19 individual. BOEE staff has been instructed that if an individual has less than one  
20 year that they have not been licensed, they will be assessed the late fee and will  
21 have one less year on their renewal. Anybody that has not had a license for over a  
22 year, will have a complaint filed against them and because of the legislature  
23 regarding inappropriate licensure the board will have to deal with the matter. The  
24 legislation requires that the administrator is also responsible if they employ an  
25 inappropriately licensed individual. The board decided that both the principal and  
26 superintendent will be held accountable for inappropriately licensed individuals.

27  
28 The board discussed the legislative reception. Because we can not obtain a room  
29 at the capitol for the legislative reception in January and there is not another date  
30 that is available for all board members to attend, a decision was made to cancel the  
31 legislative reception for 2008. In January 2009, the board will follow the format of  
32 having the legislative reception on the Thursday and the board meeting on Friday.  
33 The January/February 2008 board meeting will be held on January 31, 2008, the

1 Professional Practices Committee will meet at 7:30a.m., the Executive Committee  
2 will meet at 8:45a.m, and the board meeting will start at 9:30a.m.

3  
4 Dr. Maurer reported on the NSADTEC Professional Practice Conference. There were  
5 approximately 145 participants this year. There are a number of states that are  
6 getting into remediation type programs or ethics programs with school law attached  
7 to them. A number of states will help us move forward. There are online programs  
8 on ethics that could be modified to meet our ethics requirements.

9  
10 Merle Johnson moved, with a second by Greg Robinson, to adopt the change to  
11 Chapter 11.4(1) regarding Complaints, investigations, contested cases hearings.  
12 Roll call vote: Aboud – yes; Chen – yes; Duehr – yes; Johnson – yes; Henderson –  
13 yes; Paulsen – yes; Robinson – yes; Smith – yes; and Dirks – yes. **MOTION**  
14 **CARRIED UNANIMOUSLY.**

15  
16 Greg Robinson moved, with a second by Merle Johnson, to adopt the change to  
17 Chapter 17.7(3) regarding Renewal of Licenses. Roll call vote: Aboud – yes; Chen –  
18 yes; Duehr – yes; Johnson – yes; Henderson – yes; Paulsen – yes; Robinson – yes;  
19 Smith – yes; and Dirks – yes. **MOTION CARRIED UNANIMOUSLY.**

20  
21 Merle Johnson moved, with a second by Tammy Duehr, to adopt the change to  
22 Chapter 14.114 (272) regarding Requirements for an administrator license. Roll  
23 call vote: Aboud – yes; Chen – yes; Duehr – yes; Johnson – yes; Henderson – yes;  
24 Paulsen – yes; Robinson – yes; Smith – yes; and Dirks – yes. **MOTION CARRIED**  
25 **UNANIMOUSLY.**

26  
27 John Aboud moved, with a second by Jeff Henderson, to file under Notice of  
28 Intended Action, the proposed change to Chapter 14.106 regarding Adding  
29 endorsements to licenses and Chapter 14.121(2) Adding endorsements. Roll call  
30 vote: Aboud – yes; Chen – yes; Duehr – yes; Johnson – yes; Henderson – yes;  
31 Paulsen – yes; Robinson – yes; Smith – yes; and Dirks – yes. **MOTION CARRIED**  
32 **UNANIMOUSLY.**

1 Bev Smith moved, with a second by Merle Johnson, to file under Notice of Intended  
2 Action, the proposed change to Chapter 14.142(1)(c) regarding PK-12 Principal and  
3 PK-12 supervisor of special education. Roll call vote: Aboud – yes; Chen – yes;  
4 Duehr – yes; Johnson – yes; Henderson – yes; Paulsen – yes; Robinson – yes; Smith  
5 – yes; and Dirks – yes. **MOTION CARRIED UNANIMOUSLY.**

6  
7 John Aboud moved, with a second by Bev Smith, to file under Notice of Intended  
8 Action, the proposed change to Chapter 14.142(2) regarding PK-8 Principal and 5-  
9 12 principal. Roll call vote: Aboud – yes; Chen – yes; Duehr – yes; Johnson – yes;  
10 Henderson – yes; Paulsen – yes; Robinson – yes; Smith – yes; and Dirks – yes.  
11 **MOTION CARRIED UNANIMOUSLY.**

12  
13 Greg Robinson moved, with a second by Jeff Henderson, to file under Notice of  
14 Intended Action, the proposed rescission of a portion of Chapter 14.104 regarding  
15 Applicants from foreign institutions. Roll call vote: Aboud – yes; Chen – yes; Duehr  
16 – yes; Johnson – yes; Henderson – yes; Paulsen – yes; Robinson – yes; Smith – yes;  
17 and Dirks – yes. **MOTION CARRIED UNANIMOUSLY.**

18  
19 The Board discussed Chapter 11.38 regarding Complaints, investigations,  
20 contested case hearings. The language in the rule will be modified to reflect the  
21 Alternative 2 wording and then moved forward for noticing.

22  
23 The Board discussed Chapter 14.133 regarding Requirements for a Statement of  
24 Professional Recognition. The rule will be moved forward for noticing.

25  
26 The Board discussed Chapter 15 regarding specific requirements for audiologists,  
27 speech language pathologists and social workers. The rule will be moved forward  
28 for noticing.

29  
30 The Board discussed Chapter 17.14 regarding Renewal Requirements for a  
31 Statement of Professional Recognition (SPR). The rule will be moved forward for  
32 noticing.



1 The Board discussed Chapter 14.121(6) regarding Late fees. The rule will be  
2 moved forward for noticing.

3  
4 Reports:

5 The board discussed the pre-filed Bills regarding Chapter 272 which are clean-up  
6 issues and not significant policy changes. Merle Johnson moved, with a second by  
7 Bev Smith, to move forward with the pre-filed bills. **MOTION CARREID**

8 **UNANIMOUSLY.**

9  
10 John Aboud moved, with a second by Bev Smith, that in **PFW 07-24**, Sara  
11 Nicoletto, the Board deny the Petition for Waiver but allow her to teach until the  
12 end of the year. Roll call vote: Robinson – absent; Aboud – yes; Chen – yes; Duehr  
13 – yes; Henderson – yes; Johnson – yes; Paulsen – yes; Smith – yes; and Dirks – yes.  
14 **MOTION CARRIED.**

15  
16 Jeff Henderson moved, with a second by Bev Smith, that in **PFW 07-25**, Jennifer  
17 Neilsen, the Board deny the Petition for Waiver but allow her to teach until the end  
18 of the year. Roll call vote: Robinson – absent; Aboud – yes; Chen – yes; Duehr –  
19 yes; Henderson – yes; Johnson; – yes; Paulsen – yes; Smith – yes; and Dirks – yes.  
20 **MOTION CARRIED.**

21  
22 The issue regarding **PFW 07-26**, Susan Hook, was resolved; therefore, the board  
23 did not take any action regarding the matter.

24  
25 Jeff Henderson moved, with a second by Merle Johnson, that in **PFW 07-18**,  
26 Michael Fox, the Board deny the Petition for Waiver. Roll call vote: Robinson –  
27 absent; Aboud – yes; Chen – no; Duehr – yes; Henderson – yes; Johnson – yes;  
28 Paulsen – yes; Smith – no; and Dirks – yes. **MOTION CARRIED.**

29  
30 There being no further business, Thomas Paulsen adjourned the meeting.